

Gender Dynamics in Homeownership: A Gender System and Contract Theoretical Framework For Analysing Gender Inequality in Homeownership in Urban Uganda

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ABSTRACT

This paper presents Hirdman's gender system and contract theory to examine the unequal gender relations in homeownership in an urban Ugandan patriarchal society. The theoretical point of departure is that married women are usually in the subordinate position in homeownership. For married women to become homeowners in a patriarchal society, it is an uphill task. Special conditions that include: a married woman's control of income; assertiveness, compromise and a husband being in a financial crisis are needed for a married woman to become a homeowner. A qualitative research design was adopted to capture men and women's experiences with regard to home ownership. Drawing on married couples' life stories, the paper presents two empirical examples designed to demonstrate the application of the framework in understanding gender dynamics in home ownership and how this inequality comes about. The findings of this research suggest that homeownership is contextual and complex at interpersonal and cultural ideological levels. There are specific processes under which gender inequalities in homeownership are produced, reproduced and sometimes challenged in social practices, an indication that the gender system is subject to change under particular circumstances. The main contribution to this study is the understanding of the complex dynamics of homeownership among middle class urban women. It brings to light that there

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should be no generalisation of women's problems in terms of homeownership because each story presents different elements of the homeownership gender contract. This research adds to the existing knowledge on the complex relationship between married women and their husbands in as far as home ownership is concerned in developing countries in general and Uganda in particular. The study further contributes to the theoretical insights in the understanding of homeownership gender dynamics in developing countries.

Keywords: Hirdman, Gender, contract, theory, homeownership

Introduction

In developed countries legal structures guarantee married women of co-ownership of the matrimonial home regardless of whether the married women financially contribute to the home project or not (Deere and Doss 2006:4; Lundy 2002:607; Little 1994:158). As a result estate laws have enabled married women to increase their wealth (Deere and Doss 2006:1-50). In developing countries there is a lack of evidence on women's ownership of the matrimonial home in urban areas Deere and Doss: 6). A few studies on homeownership suggest that married women become homeowners as unmarried, divorced, separated or widows (Matere-Lieb 1995). In some of these cases women must have their own income to become homeowners while in others married women indirectly control the home through their eldest sons or nephews (Larsson and Schlyter 1995).

Studies in developing countries also reveal that an unequal gender relation in homeownership exists among married couples where men dominate in major decision making on housing investments (Larsson and Schlyter 1995:212-231 Matere-Lieb 1995).

Studies in South African countries reveal that by statutory law, married women are not allowed to have their names included on the title deed. Instead, their names are presumed to be included. In other cases, marriage laws are not clear on the married woman's beneficial interests in the home except at divorce.

The study was based on purely a qualitative design. The data were collected through life stories of married couples. The study reveals that married men ensure that the matrimonial home is solely registered in their names regardless of whether or not their wives contribute to the construction costs. The study reveals that it is only under special circumstances that married

women are able to become homeowners an indication of male dominance in home ownership. For example, married women become homeowners when their husbands need their income as a contribution to the home project or when they are in a financial crisis.

The main contribution of this study is the understanding of the complex dynamics of homeownership among middle class urban women. It brings to light that there should be no generalisation of women's problems in terms of homeownership because each story presents different elements of the homeownership gender contract. This research adds to the existing knowledge on the complex relationship between married women and their husbands. The study therefore contributes to the theoretical insights in the understanding of homeownership gender dynamics.

Gender and property ownership

A number of authors tend to attribute married women's homeownership dynamics to four broad factors: economic, socio-cultural, psychological (perception) and legal institutional factors (Tinker 2006; Chant 2006; Deere and Doss 2006; Lee-Smith 2006; Asiimwe 2005; Vogler 2005; Kalabamu 2005; Larsson 2003; Tamale 2002; Reitz 2000; Watson and Doyal 1999; Kabeer 1998; Grant 1996; Larsson 1995; Little 1994; Miraftab 1993; Moser 1993). These factors are reflected at different levels in society, that is, institutional or state levels, and community and interpersonal levels. Although these factors are diverse in nature they are interrelated and they reinforce one another to deprive married women of home ownership. However, little is mentioned on the specific mechanisms through which the unequal relations in homeownership come about and how married women negotiate this unequal gender relation.

Economic Dynamics in Home Ownership among married women

In developed countries dual income is often a prerequisite for co-homeownership (Deere and Doss 2006:1-50; Lundy 2002:607; Little 1994; Smith 1990). There is still no agreement on whether economic empowerment and education enables women to make decisions in the home although some scholars argue that women's economic empowerment is the major way through which they could negotiate for major resources for example land and housing (Agarwal 1997:1-51; Kabeer 1994; Sen 1990).

In many households men make the decisions on major investments for example housing while women's decisions are restricted to decisions on the

day-to-day matters of the family (.Kalabamu 2003:245-68; Behice 2003:65-70; Cubbins 1991:1065; Agarwal 1997:1-51; Sen 1990; Larsson and Schlyter 1995:212-231). Other authors suggest that the expenditure pattern, which tends to replicate the gender roles, has an impact on ownership rights of property, for example housing (Deere and Doss 2006:36; Vogler, 2005; Narayan, et. al., 2000:175; Larsson and Schlyter, 1995:218; Moser 1993:24-27; Dow, and Puseletso 1994:103).

For example husbands spend their income on housing and their children's education while wives spend their income on day-to-day items like food, clothing and other domestic goods. Nonetheless, many researchers agree that a woman's economic empowerment and education are a prerequisite to decision-making regarding homeownership (Deshmukh-Ranadive 2005:113; Gwebu, 2003:32; Afshar 1998:2-3; Rowlands 1998:11-34). In addition, control of income homeownership also involves negotiation, consensus, cooperation, and women's confidence to make choices.

Cultural beliefs, norms, values and practices in homeownership

These accepted cultural beliefs and norms in societies are embedded in people's minds and reflected in people's actions. These cultural beliefs tend to be difficult to change because of their strength to reproduce existing gender relations or contracts, to maintain the patriarchal system (Gwebu 2003:22; Ntimo-Makara and Makara-Khatleli 2005:200).

Cultures, norms and ideologies at personal level account for unequal gender relations in home ownership. For example, the patriarchal cultural norms have tended to favour men over women of all types, whereby women have always been subjected to lower positions in terms of their roles, distribution of resources and decision-making powers compared to men. In general there is a tendency for individual members to behave and act culturally, as community cultural norms dictate. For example in societies where men are regarded as the owners of the matrimonial home, it is normal for the matrimonial home to be registered solely in a husband's name regardless whether the wife has contributed financially to the home. Hence it is not surprising for a married man to exclude his wife's name from the title deed of the plot of land on which the matrimonial home is built regardless of whether or not the wife contributed financially to the home project. The husband sees his action as normal and acceptable because culturally a home belongs to the man. To understand the cultural image and ideologies we capture information from interviews of men and women and try to seek explanation for their actions. As Larsson and Schlyter observe 'Such

explanations reflect cultural images and ideologies and these are also reflected in laws, but not in a simple and direct way (Larsson and Schlyter 1998: 216).

While studies in other countries help us to understand the ways in which married women are deprived of homeownership they were carried out in different contexts. Some of the contexts are difficult to change because they are pre-determined by the legal structures in place. As a result, some of the studies do not explicitly show the complex processes of how and why and under what circumstances married women are deprived of homeownership to end up with only user rights of the matrimonial home even where they contribute financially to the home project nor do they inform us how and why and under what circumstances a married women becomes a homeowner. The analysis in this chapter therefore makes a contribution in filling up this gap.

Background to the study

As a patriarchal society, most land in Uganda is usually registered in the name of the husband. Hence, he is free to dispose of it the way he wishes during marriage or at death through his Will. A woman is a worker in the home and traditionally expected to lay no claim to the wealth in the home. In marriage, a woman does not own immovable property. This is because, in traditional society, the land and all that is on it belongs to men. Under customary law, all property acquired during marriage is under the sole control of the husband. A wife has control only over her personal effects like clothes and cooking utensils. Upon divorce a woman's access to property will depend on the rules of a particular ethnic group. In some cases, a woman usually leaves with a few clothes and some utensils. Normally, division of matrimonial assets under customary law is not recognized, nor is maintenance after divorce payable to a wife. This is because the husband's family regards divorce as a loss of labour power (Okumu- Wengi, 1997).

Home ownership in Uganda

It is reported that about 70 per cent of housing units in Uganda are owner occupied

(Uganda population and housing census Analytical report 2006:47). In Kampala however, owner occupation for men also accounts for 70 per cent while female owner occupation accounts for 30 per cent. Recent studies show that women who own land in their own names account for 18 per cent

and this is prevalent in the Central region where Kampala is located (Makerere University Institute of Social Research 2004:5). Although ownership of land does not necessarily mean homeownership, it is nonetheless an indicator of property acquisition. 'Male only' landownership dominates in all regions, with an overall 63 per cent while joint ownership among conjugal partners accounts for only 4 per cent in the central region. Nonetheless, there has been an increase in land ownership by women since 1980 from 12 to 17 per cent during the period while ownership of land among married women increased from one to six per cent hence an indicator that there is a change in gender ownership patterns (Makerere Institute of Social research 2004:9).

Although statistics help us to know the extent of gender inequality in land ownership in Uganda, it is difficult to know the gender inequality in home ownership. This is because land and housing are regarded as different properties. Registration of land does not necessarily mean that there is a home on that particular piece of land. Although the above statistics give some indication of gender inequality, they do not indicate whether the jointly owned land has a matrimonial home on it.

A number of studies on gender and housing have been carried out in the urban areas of Uganda but they have not specifically dealt with the dynamics of gender inequality in home ownership. In addition, most of the studies have been conducted in low-income areas, leaving out housing dynamics in mid-income areas (Mugambe-Nabajja 2004; Manyire 2002, Atukunda 2001; Tusingwire and Tumushabe 1999; Kateregga 1996; Kuteesa 1995 and Obbo 1980). Recent studies carried out by Manyire and Nabajja investigated the nature and relative importance of the socio-cultural and economic factors that facilitate or impede men and women's engagement in low-cost urban housing development in Jinja and Kampala respectively.

Their study specifically focused on housing development for renting rather than the matrimonial home. They looked at the different strategies men and women use to facilitate access in housing development. Another study carried out in Kampala by Atukunda focused on access to housing. The study assessed the situation of female-headed households and male-headed households in relation to quality of housing (Atukunda 2001). Research by Tusingwire and Tumushabe focused on women headed households in relation to the control of housing. Their study focused on establishing the socio-economic characteristics of women heads of households in Kampala and the extent to which they control housing. They further looked at the way single women are perceived by both men and women when they

control housing (Tusingwire and Tumushabe 1999). The gap in this study is its failure to look at the dynamics among married women with their husbands in the ways in which they become homeowners or are deprived of home ownership. Other studies have looked at housing policies and how these affect women (Turyahumura 1998; Ntege 1993). These studies are mainly concerned with rental housing access, not home ownership. Furthermore, these studies were carried out in low-income areas where the legal ownership of land and housing is not common. The in-depth analysis of the experiences of men and women and the analysis of the different ways in which women in Uganda are deprived of home ownership are the innovations of this study.

The Socio-economic and Cultural Setting

Uganda is a multi-ethnic country comprised of many ethnic groupings. There is no single Ugandan culture, because there are as many cultures as there are peoples (Nzita and Mbaga-Niwampa 1993). There are diverse cultural groupings with more than thirty-three languages. These comprise of Bantu communities, the Luo, Sudanic speaking people and the Atekerin (Nzita and Mbaga-Niwampa 1993). Furthermore, the majority of ethnic groups in Uganda are patriarchal in nature. This patriarchal system comes along with patriarchal ideologies that influence the way women are regarded in terms of ownership of property. The patriarchal ideologies regard the male as superior and hence men make most decisions on big investments like housing, while the women are usually confined to a subordinate position in the home whereby they are allowed to make decisions on minor domestic issues. These [patriarchal] discourses are not only intimately linked with gender inequality and the perpetuation of power imbalances between Ugandan men and women but also privilege men's control over decision making in all spheres of social organization (Kyoheirwe 2005:65).

Against the above background therefore, this article presents evidence how a married woman ends up with only user rights of the home even in a situations where she financially contributed to the home project. This article further presents the special conditions under which a married woman in a patriarchal Ugandan society becomes a co-owner of the matrimonial home. Evidence is presented through the married women's and their husbands' life stories. The argument made is that a married woman is engulfed in the gender power relations with her husband. A married woman is deprived of homeownership because of a husband's cultural ideologies. For a married woman to become a homeowner in a patriarchal society, special conditions

need to be available. These include a husband being in a financial crisis; a woman's control of income, awareness of one's right, assertiveness, negotiation and at times compromise.

Since there is a gap in the literature especially in developing countries on the ways in which married women become homeowners, this article therefore fills in this gap and provides new knowledge on the homeownership gender contract of married women.

This article therefore explores the way in which a married woman in urban Uganda can either be denied or be guaranteed homeownership. Its main objective is to look at factors that either prevent married women from owning the matrimonial home in Kampala or enable them to become homeowners. This study contributes to an understanding of the complex home ownership contract that exists among married women with their husbands. The research applied Hirdman's gender system and contract theory to explain the complex gender dynamics in homeownership. The article explores the relationship between married women and their husbands. The analysis highlights the different gender contracts that exist between married women. Two suburban middle-income areas, namely Banda and Kiwatule were chosen from which urban women were identified and interviewed about the challenges they face to become homeowners in their own right.

An overview of Hirdman's Gender System and Contract Theory

Gender system and contract theory provides a strong emphasis on the gender power relations in the household and the social changes that take place within a social system as a result of factors such as modernization and urbanization (Lee-Smith 1997). The theory questions the relevance of associating female and male tasks with nature and the physiology of women and men. According to Hirdman's theory, there is no general answer that explains the difference that exists in some cases between men and women's living conditions because it all depends on the area studied and the social context. For example, 'tradition', lifestyle, interests, biological differences, division of labour, and working environment could probably explain the differences in circumstances between men and women. These form part of a complex pattern of circumstances that together influence how women and men live their lives (Hirdman 1991). Hirdman's theory describes the structure of the gender system observed on the basis of social, economic and political systems. The gender system has two principles: The logic of separation between the sexes or the dichotomy between male and female,

and secondly, the logic of the male norm, that is a hierarchy between men and women whereby men are regarded as the 'norm' (superior) and women are regarded as subordinate or 'the other' (Hirdman 1991: 190; Arber 2007: 157; Lee-Smith: 70; Larsson and Schlyter 1998: 214; Munalula 1998: 202). For example in many societies men are regarded as the main breadwinners while women are regarded as homemakers and caregivers. This puts women in a subordinate position when it comes to property ownership. Even if the woman contributes financially to the home project she will still be regarded as a homemaker and not a homeowner. Gender contracts are formed over long periods of time through day-to-day interactions and cannot be formed in a couple of days through individual or face-to-face negotiation.

Different gender contracts exist in different societies, eras and classes. For example, in some societies married women are not expected to co-own the matrimonial home with their husbands while in other societies it is normal for married women to co-own the matrimonial home. Several gender contracts create a 'gender system' under which a number of social, cultural and economic dynamics operate. (Hirdman 1991: 190). There is a belief in Hirdman's theory that with the gender system, it is possible to recognize the differences between women and men in terms of class, age, family structure and the way these differences influence economic, social and political outcomes.

Hirdman's major concerns are the power relations that exist between men and women. She criticizes theories that base their analysis on gender roles because such theories tend to ignore power relations (Hirdman 1991; Larsson 1998:35). Gender power relations are complicated processes and therefore they should be looked at from the institutional, cultural, and biological perspectives (Hirdman 1990:190; Kalabamu 2005:245-268). The Gender contracts are usually invisible relationships between men and women and are reflected at different levels for example at institutional, interpersonal and cultural levels (Kalabamu 2003: 47-73; Gwebu 2003:22; Lee-Smith 1997:136; Larsson 1995: 36).

The levels indicate the processes by which the values are assimilated and reproduced, and they provide us with tools for analyzing how change, maintenance and adaptation of the system take place.

Gender systems and contracts at various levels are subject to negotiation, re-negotiation and change. In this way women as individuals or groups may benefit from or access resources and services owned, produced or controlled by men. Through negotiation gender inequalities within households,

communities, the market and the state are challenged. These negotiation and bargaining processes may result in cooperation or conflict. The extent to which women or men are willing to cooperate or to conflict is likely to influence the expected outcome and the outcome of any of the negotiation processes depends on an individual's bargaining power(Kalabamu 2005:248). For example in cases where married women have income, they have better bargaining power with their husbands than married women without any income. In such cases a husband's acceptance is most likely to depend on the outcomes of the negotiation. Hence, when social, economic and political rules change; the gender system creates new segregations and new hierarchies in society (Lee- Smith 1997:217). Therefore, the gender system itself and its principles are also open to negotiation and change (Lee-Smith: 71). Changes occur because various actors can question a system and therefore the gender system is fluid, with various dynamics prone to change.

Application of the Gender System and Contract Theory in Other Studies

The gender system and contract model has been used in various studies in Sub-Saharan Africa in order to understand the existence and change in gender inequality related to property. For example, in her study of gender and housing in Kenya, Lee-Smith looked at historical contracts of land ownership in Kenya and the East African region and how this changed as a result of urbanization and colonization. In their application of the gender system and contract theory on gender and housing studies in Southern African countries, various scholars reveal that men make all the important decisions on major investments for example housing (Kalabamu 2005:245-268; Larsson and Schlyter 1995:212-231; Munalula 1995:195-211). The findings further showed that in male-headed households it was the men who made the final decision whether to build or purchase a house while women played a supportive role, for example buying building materials, paying and supervising builders and cooking food for them. The studies also show that there are changes taking places as women acquire education and income, creating a new home ownership contract. Their findings also reveal that women become homeowners in marriage through negotiation. Where women fail to negotiate their rights at interpersonal level they resort to seeking law reform.

Results of studies show that the gender system and contract theory is flexible and relevant to the study of modern society especially in housing studies. The gender system and contract model helps us to explore changes in the gender system and allow us to discuss variations among women in terms of class, age, and family status. Changes occur because various actors

can question a system and therefore the gender system is fluid, with various dynamics prone to change. This author strongly believes that the gender system and contract theory has a significant role to play for this particular study. The theory helps us to explore the dynamics among men and women as actors. In so doing we are able to assess the problems women face and the opportunities at their disposal that they can or able to use to exercise their ownership rights. Hence the gender system is not static but is in motion all the time, and the changes take place at all levels of society. Since the gender system is prone to change and shake up, it may be difficult to harmonize the different elements of the gender contracts at different levels. Hence, the gender contracts may not necessarily fit into each other but may instead contradict each other.

Materials and Methods

This study was largely based on a qualitative research design. A qualitative research design was adopted to capture men and women's experiences with regard to home ownership. The focus was to explore the ways in which women were deprived of home ownership and in what ways some women were able to become homeowners (Asiimwe 2006). To capture this information there was need to interpret men and women's actions, strategies and outcomes. The qualitative approach helped the researcher to interpret activities, events or information based on men's and women's own knowledge, their perspectives on the issues and their own experiences under various circumstances. This formed a basis on which to scientifically analyse processes of social change.

Data collection methods

The researcher employed in-depth interviews, life story interviews and reviewing of secondary sources as techniques of data collection which are all qualitative in nature. In-depth interviews were used to capture information from key informants. Life histories were used to acquire information from married women and their husbands. Data from governments, NGOs, parliamentary debates, policy papers, Acts of Parliament formed part of the secondary data.

Area and population of the study

The study was carried out in Nakawa one of the middle-income communities in the suburbs of Kampala the capital of Uganda. The researcher's interest in the middle income area was based on the land tenure

system that exists in Kampala. In many low-income communities residents do not possess title deeds hence making determination of ownership difficult. Nakawa division is one of the few areas where most residents own land either under leasehold or freehold system.

Selection of respondents

The key respondents included married men and women. These were purposively selected from households that had title deeds. The researcher recorded life stories of 10 married couples totaling to twenty respondents. The aim was to capture husbands and wives' actions, perceptions, attitudes, experiences, views and interpret their actions to draw possible conclusions.

Data Analysis

The researcher transcribed the life histories verbatim and summarized them in a chronological order of events. The transcribed information was analyzed using either thematic/ content analysis. The research analysis was based on the research questions of the study. Themes emerging from the data and other forms of categorization were used to

discern various patterns from the data. The process of looking at the emerging patterns and themes, clustering or sorting the information and finding relationships then followed. Comparative analysis among the different life stories was carried out to bring out the differences in the actions of married men and women, strategies employed, and the outcomes so as to come out with proper interpretations.

Secondary data analysis

Secondary data sources mainly official policy documents were looked at and analyzed for contextual information in order to get more insight on the issues.

Ethical consideration

Since the issue of property ownership is very sensitive, the researcher conducted the study with care. To avert respondents' fears, the researcher would inform them about the broad objectives of the study at every beginning of an interview. Care was taken to ensure confidentiality and anonymity throughout the study through the use of pseudonyms.

The discussions that follow present evidence that show the ways married women can either be denied homeownership or can actually negotiate for ownership.

Deprived of co-ownership rights because of a husband’s mistrust: the story of ‘Annet’

This life story demonstrates how a husband’s patriarchal beliefs can deny a married woman ownership rights even if she indirectly contributes to the home project. Annet is an uneducated cohabiter who does not co-own the matrimonial home with her husband because her husband is a conservative patriarch. Annet lives in Kiwatule in a three bed-roomed home with her husband and their six children, three boys and three girls, the eldest aged 18 years. The house is iron roofed with water and electricity (Fig.1).



Figure 1: Annet’s home

Annet, aged 41 years, was born in a Namasenene village in Luwero District in a poor polygamous family. Annet had only four years of primary education. Because of her minimal education one would obviously expect Annet’s income opportunities to be very poor. First of all she has no

employable skills and secondly she would most likely find it difficult to acquire capital to start any form of business.

Annet met Ahmed 1984 in Bweyogerere. Before Ahmed married Annet, he had another wife but they separated because she could not give him a child. On separation, his first wife took most of the items in their rented house without his knowledge. The experience with his first wife was later to impact on his behaviour towards women. Annet and Ahmed lived in a rented house in Kiwatule for more than ten years.

In spite of Annet's pleas to Ahmed to formalize their marriage, Ahmed adamantly refused. As a cohabiter, Annet does not have any legal entitlements in the marriage.

Ahmed, 53 years old, was born in Kyaluga village, Mukono District into a polygamous middle-income family. Ahmed's father, for example, had a lot of land in Kiwatule. When he died, the land was distributed among all the children. Ahmed as the heir was given 20 decimals of land.

Ahmed had 11 years of education. He had primary school education at Mpumu Primary School where he completed eight years of education. In 1965 he joined Kamuli Secondary School where he spent two years of secondary education before he joined Seta College in 1967 to complete the four years of secondary education. Although he attempted to join a technical school in Masaka, at that time technical schools would only take students who had completed seven years of primary education.

In 1973 Ahmed acquired a casual job in the post office as an office attendant. He later attended a two- year course at Uganda Management Institute where he acquired skills in painting and design. With the acquired skills, he was promoted to the position of craftsman. Ahmed worked in the post office from 1973 to 1998 when he was laid off. He was, however, paid a retrenchment package.

In 1995 the couple embarked on the construction of their home. Although Ahmed met most of the construction costs, Annet contributed to the home project in many ways. For example Annet made 11,000 bricks on one part of Ahmed's plot of land to construct small houses for her poultry project. Ahmed took all the bricks to complete the matrimonial home on the promise that he would pay Annet the money; but he never did. As a result Annet could not expand her poultry project. She then sold all off layer birds in the hope of expanding her business but again Ahmed took all the money from

her under the pretext that he would pay her back. Annet expressed bitterness that whenever Ahmed learned that she had money; he would find ways of getting it away from her on the pretext that he needed to buy materials to construct the matrimonial home. Ahmed's behaviour in taking away Annet's income is a demonstration that he did not want Annet to control any money or to be independent. Ahmed's continued behaviour of taking away money from Annet made Annet more dependent on him financially.

In 1997 the couple moved from the rented house to their own home. In 2005, Ahmed transferred the title deed of the matrimonial home from his father's name to his name excluding Annet. Although Annet contributed to the home project in terms of building materials, Ahmed did not recognize her contribution to include her name on the title deed. Ahmed did not see anything wrong in excluding Annet's name from the title deed judging from his response (translated from Luganda): 'Why should I include Annet on the title deed? You women are thieves; you are very cunning and difficult these days. That is why men no longer want to co-own houses with you because you can easily turn around and say this is our house, we built it together. A man may have a project he would like to undertake and may want to sell the house to undertake the project but the woman may refuse. This is why men no longer include wives on their property. One would rather die with his property because the situation has changed and women have become thieves or grabbers'.

Although Ahmed does not explain his action of excluding Annet's name from the title deed in terms of the cultural image and ideological belief that women's names cannot be included on clan land, this cultural belief cannot be ruled out. Ahmed's behaviour could probably be attributed to the cultural belief that the plot of land on which the matrimonial home was built belonged to the clan. Hence there was no way Annet's name could appear on clan land because the land had to remain in the family line.

Since the title deed is solely registered in Ahmed's name the home legally belongs to Ahmed and Annet only has the usage of it. On being probed further on whether he thought that his wife did not contribute anything to the home project he said 'Ok thanks so much, does preparing food mean building a house? She has never slept hungry, in some homes a woman can forfeit eating well, for example taking tea without sugar, food without salt in order to buy say a missing door in the house. But my wife has never missed anything of that sort, I have given her everything she needs, then in that case what will she have contributed to the house?'

The above quotation shows that Ahmed did not recognize Annet's work and building materials she contributed. Asked what would happen to his wife if he died, and the relatives tried to evict her, he said, 'Since Annet is not on the title deed everything in the house is mine and no one would be interested in them, and by that time my children would be old enough to decide what to do'.

Apart from excluding Annet's name from the title deed, Ahmed does not even want Annet to know the whereabouts of the title deed because he believes she would try to hide it away from him as reflected in his words 'if I tell her and then she steals the title deed from me? You women are very difficult; you decide once to kill your husband. Even when a woman just hears rumours that her husband has an affair with another woman, she can decide to kill you, or can steal the title deed but for the men it takes time to kill your own wife.'

In summary, Annet was unable to co-own the matrimonial home because her husband is a patriarch who does not believe in women owning property.

Changing the sole ownership status to joint ownership when the husband is in a financial crisis: The story of 'Damalie Nsubuga'

Damalie is a highly educated and professional married woman who was able to have her name included on the title deed of the matrimonial home. Damalie was able to convince her husband to change the ownership status of the home and have her name included on the title deed, which was originally registered solely in his name because her husband was in a financial crisis. Had Damalie's husband not been in a financial crisis, he would most likely not have changed the ownership status of the home, judging from his insistence on including the children's names on the title deed. Damalie's story demonstrates the difficulty a married woman is likely to face to include her name on the title deed in a situation where the title deed is already registered in a husband's name.

Damalie has been married for over twenty years. She is a professional accountant and works for the Civil Aviation Authority. The couple lives in Banda parish in a three bed-roomed house with three children aged 13 to 22 years. The house is tile-roofed, fenced, with water, electricity and servants quarters (Fig.19 and 20).



Figure 2: Damalie's home



Figure 3: The exterior of her home

Although Damalie agreed to tell her full story, her husband, Charles refused to talk to the author about issues concerning the home. Any attempts to ask him about ownership issues were futile. He said: 'Leave me alone, I have my own problems, my wife can tell you about ownership issues'. Charles only talked briefly about his family background.¹

Damalie was born into a rich polygamous family of fifteen siblings in Mukono District. Damalie had more than 18 years of education. She attended Matala Primary Boarding School from 1964 to 1970 where she completed her primary education. In 1971 she joined Kings College, Buddo and completed four years of ordinary level education in 1976. In 1976 she joined Nakawa College of Commerce for an accounting course but completed only one part of the course because the course was too tough. With the acquired skills in accounting she joined the ministry of Finance as a trainee accountant. She was later transferred to the Judiciary as an accountant.

From 1988 to 1991 Damalie embarked on a Degree course in Economics and Political Science at Makerere University, which she completed in 1991. With a degree in her possession and professional training in accountancy Damalie acquired a high paying job in 1992 with the Civil Aviation Authority, a privately owned company, as an accountant. In 1994 Damalie re-attempted the second stage of accountancy studies, and completed it in 1998. In 2002 she embarked on an MBA Degree at Nakawa Business School. With good education, Damalie earned a good income.

Charles was also born into a polygamous family of 39 children in Muzizi village in Masaka District. He had thirteen years of education. He attended Namilyango Junior Boys School from 1956 to 1962 where he completed six years of primary education. From 1963 to 1964 he joined Saviour primary school at Kisubi where he completed seven years of primary education. From 1965 to 1969 Charles joined St Gonzaga where he spent four years for ordinary level education before he joined Tororo College for a two year High school certificate from 1969-1970. Charles then joined Nakawa College of commerce for a diploma course in accounting. In 1973 he joined the Treasury department in the Ministry of Finance as an assistant accountant and was

¹ I noted resistance from married men who did not solely own the home, for example Peter, Tumwine's husband, Deo. In cases where the home is solely registered in a woman's name, the men were either resistant to giving details, or lied about the home ownership dynamics. For example Petersaid that his wife processed the title deed when it was he who processed the title deed. Deo said that he co-owned the home when actually the home is registered in his son's name. Tumwine's husband refused to talk to me. On the other hand, when the title deed is solely in a man's name, the man is willing to discuss ownership issues.

later transferred to the Judiciary as an accountant. He retired from public service in 1994.

Damalie met Charles in the 1970s in the Judiciary Department where they both worked as accountants. In 1985 they were married in a Church. They were blessed with three children, all boys aged between 13 and 22 years. Charles has three other children, two girls, and a boy, from a previous relationship.

The couple first lived in a government owned house provided by Charles's employer. Although both Damalie and Charles planned together to buy a plot of land on which to build their home, when Charles identified half an acre (0.50 decimals) plot of land in Banda in 1990 he paid for it without any consultation with Damalie. He had the plot of land registered solely in his name. Charles's action not to consult Damalie is an indication that he did not want to co-own a home with Damalie judging from his behaviour later on when Damalie asked him to change the title deed from single to joint ownership.

In 1992 Charles embarked on the construction of the home. Damalie met some of the construction costs because by that time she already had a good job with the Civil Aviation Authority. When Charles received his retirement package in 1994, he also spent most of the money on the house. He built the matrimonial home from foundation up to window level, bought poles and timber for roofing but ran out of money.

When Charles was financially stuck Damalie was at that time very reluctant to invest any more of her money because the title deed was registered solely in Charles's name. She had heard from her women friends and from newspapers how husbands sometimes evicted their wives from the home. Besides, Charles had other children from a previous marriage.

Although Damalie was reluctant to invest her money in a home that legally belonged to her husband, she did not have enough money to buy herself a plot and build herself a home. She only had 3 million Uganda shillings (1630 United States dollars) on her account and a plot of land at that time cost eight million Uganda shillings (4,347 United States Dollars). At the same time she was worried that since her husband had retired they would be evicted from the government owned house and her husband would not afford to pay rent. She had to make a choice whether or not to put her money into her husband's home so that they could have a home of their own, or to keep her money on her account. At first she naively thought that

as a good head of household, Charles would never evict her from the home she had contributed to. She borrowed more money from her employer, bought tiles, doors, and windows, plastered the walls, and completed the floor. The couple then moved from the government owned house in Kamwokya to their uncompleted house in 1995.

As Damalie continued to read more stories in the print media about evictions of women and hear stories from her friends at the work place and social gatherings, she became more worried about her future in Charles's house. Damalie knew very well that to confront Charles on the change of ownership was an uphill task but she was ready to take the risk.

In 1999, Damalie asked Charles to change the title deed from sole ownership to joint ownership. To convince her husband, she referred him to a number of stories she had read through the press media and heard from her friends about husbands evicting their wives from houses. Damalie was wise to use information from the print media and stories from her friends to discuss her status in the home with her husband. If she had not had this information she would most likely have invested all her money in the home without being concerned about her security. When Damalie presented her case, Charles was adamant to change the title deed of the house. As a result there was tension in their marriage.

When Charles totally refused to change the title deed, Damalie threatened to stop financing the home project. Because Charles was in a fix, he finally agreed to sign the transfer forms but on condition that all the children's names were included on the title deed. Damalie did not agree with Charles' idea to include the children's names on the title deed of the matrimonial home because according to her, that would in future bring problems. In spite of the reasons Damalie put forward for not including the children's names on the title deed, Charles insisted that the children names be included or he would not sign the transfer forms.

Although Damalie continued to negotiate with Charles to exclude the children from the title deed her efforts were in vain and it took them a long time to agree on the change of ownership.

Charles's insistence to include his children's names could be attributed to patriarchal male ideology that the house belongs to the male line. If he did not include the children's names upon his death the house would automatically revert to Damalie and her relatives. Damalie failed to convince Charles to exclude the children names on the title deed because she was

treading on sensitive ground, confronting patriarchal culture related to family property and the patriarchal sentiments attached to this.

After a long process of negotiation, Damalie finally compromised and agreed to include the children names on the title deed. Damalie compromised her earlier position because Charles totally refused to sign the transfer forms in her favour. She had already spent a good amount of money on the house and therefore if they did not come to an agreement she would lose all the money she had already invested in the home. In 2005 Damalie took Charles to her lawyer and he signed the transfer forms in her favour and that of their three children.

Charles accepted to change the ownership status of the home and to include Damalie's name on the title deed because he was in a weak financial position. Charles was stuck and in a fix because he had retired from work, had spent his entire retirement package on the home and had no hope to acquire more money in his lifetime. Damalie was able to negotiate and convince her husband to include her name on the title deed because she was in control of the finances. If Damalie had not had a good education and a good income she would not have any justification to ask her husband to include her name on the title deed. Had Charles had enough money to complete the house, most likely he would not have changed the status of ownership, judging from his behaviour. Further more, Charles accepted including Damalie's name on the title deed of the home because she accepted to have the children names included on the title deed. Since the children's names were included on the title deed, he felt the home would be protected and would remain in his patrilineal line.

Had Damalie had no children at all, Charles would mostly likely have refused to sign the transfer forms in her favour. If Damalie had not had boy children, Charles would most likely have been reluctant to sign the transfer forms because it would mean removing the patriarchal property to another clan when the girls would be married. In all these patriarchal dynamics of ownership Damalie would lose all her investments in the home to Charles. Charles looked at his children as a compromising avenue to take care of his family's interests. Even if he died, he was sure that his family interests were catered for.

The inclusion of children's names on the title deed hurt Damalie so much that up to the time of this interview she had failed to come to terms with the situation of owning only one fifth of the value of the matrimonial home when she funded almost 75 per cent of the home project. In her story telling

one could observe bitterness on her face. To her, Charles's insistence on including the children's names on the title deed was putting her at the level of a child, which she called in her local language 'okusomoza' literally meaning 'under looking her'.

The above story also demonstrates that a married woman is unable to acquire equal ownership rights in the home if a title deed is already registered in her husband's name.

For a married woman to convince her husband to change the ownership status of the home when the title deed is already registered solely in a husband's name is an uphill task. Therefore, for the husband to accept to change the status of ownership, he must be in a difficult financial situation. A husband would prefer the property to remain in the male line, not a woman's line even when she has contributed more money to the purchase and construction of the home. Damalie's story also demonstrates that if a woman has something substantial to contribute to a home project she can negotiate her ownership rights with her husband to a certain extent.

Discussion of findings

Patriarchal cultural Images and ideologies

There are ideological, cultural and economic reasons in the way resources are allocated in the household (Moser 1993: 23). According to Larsson and Schlyter, 'Men and women actions tend to reflect their cultural beliefs and their actions are usually explained in terms of their culture (Larsson and Schlyter 1995: 216). The cultural norms and beliefs are reflected in husbands' actions and statements as reflected in their life stories. The following statements reveal husbands' patriarchal cultural ideologies: 'Why should I include Annet on the title deed? You women are thieves; you are very cunning and difficult these days. That is why men no longer want to co-own houses with you because you can easily turn around and say this is our house, we built it together. Since Annet is not on the title deed everything in the house is mine and, no one would be interested in them and by that time my children would be old enough to decide what to do'. The above statements reveal that in many cases patriarchal cultural beliefs are on the top of the agenda to deprive married women of homeownership. Men regard themselves as heads of households and therefore sole homeowners regardless of their wives' direct and indirect contribution to the home project. Findings in this story show that even though a married woman makes substantial financial contributions directly or indirectly to the home

project, a husband can have total control in decision-making regarding ownership of the matrimonial home. The findings in this story also reveal that there is a dominant cultural gender contract whereby men believe that women should not own property especially land and housing (Larsson and Schlyter 1995:212-231; Matere-Lieb 1995; Ntege 1993:51; Namita 2006: 279). The cultural ideology is so powerful that it makes husbands to disregard their wives substantial financial contribution.

Men's actions in marriage with regard to property acquisition even in situations where they could include their wives' names on the title deed reflect the dominant gender ideology that the home belongs to the man and therefore women are only users of the home. This cultural belief drives men to register the plot of land on which the matrimonial home is built solely in their names. In situations where the Registration of Titles Act does not deter a husband to include his wife's name on the title deed then one is made to believe that patriarchal cultural beliefs are the forces behind a woman's deprivation of homeownership.

The feminist approach to housing provision has tended to explain the inequalities of women in housing in terms of gender relations and the influence of patriarchy. In so doing they focus on unequal access to power and decision-making (Little 1994; Larsson 1993). However, this approach has not attempted to explain how patriarchy influences home ownership. As Little observes 'studies have remained largely silent on the ways in which gender relations and the operation of male power have been reproduced within key areas of the production and consumption of housing.' (Little 1994:149). This paper therefore has gone ahead to fill up this information gap.

As noted above, gender systems and contracts at various levels are subject to negotiation, re-negotiation and change. Through negotiation gender inequalities within households, communities, the market and the state are challenged. However, the extent to which men are willing to cooperate or to conflict is likely to influence the expected outcome and the outcome of any of the negotiation processes depends on an individual's bargaining power. The discussion that follows explains the special way in which a married woman is able to co-own the matrimonial home with her husband even in a situation where the land on which the matrimonial home was built was originally registered solely in a husband's name.

There is little evidence to show how married women become homeowners. Studies in developing countries reveal that husbands dominate in decision

making regarding the home (Kalabamu 2005; Manyire 2002; Larsson and Schlyter 1995). In contrast to earlier findings that married women are not allowed to register their names on the title deed, the life story in this paper demonstrate that married women are able to become homeowners in a patriarchal society under special circumstances. Damalie's life story demonstrates that a married woman is able to negotiate the dominant married women's' home ownership contract in which married women are regarded as homemakers but not homeowners. As a result a new home ownership contract whereby women become homeowners is created. This is mainly due to the following special circumstances.

Control of income

Control of income not only helps a married woman to improve on her well-being but it also increases her power to negotiate over household investments like housing, hence reducing homeownership inequality (Moser 1993: 26). One of the ways of increasing married women's income is through paid employment. Workingwomen have more control over the allocation of household resources than non-earning wives (Moser 1993: 26; Sen 1990: 144). This observation implies that unemployed married women or women employed in low-paying jobs are unable to financially contribute to housing costs and hence are in weak negotiating position in the household.

Damalie's story demonstrates that adequate income is a necessary condition for married women to negotiate for a share in home ownership. In a case where a husband does not have money to meet all the construction costs of the home project and the wife is able to provide the money and have control over it, the wife becomes a co-owner of the home. In such a case, a wife is able to become a homeowner because her husband has no choice but to accept the wife' terms. Therefore, as a result of having their own money, married women no longer need to be in a subordinate position. The findings in this paper demonstrate that a dominant gender contract whereby men control home ownership can be redefined and negotiated as married women with income become aware of their homeownership rights (Brion and Tinker: 35-36).

In conclusion, a married woman's ownership rights are not easily guaranteed unless there are special circumstances. We can conclude that male power to control ownership is dominant. A married woman should not expect her husband to automatically include her name on the title deed. Hence financial contribution to the home project alone does not automatically guarantee ownership.

To change the gendered home ownership contract whereby men are seen or regard themselves as the sole owners of the matrimonial home is an uphill task. Failure to assert or negotiate for ownership rights gives the husband freedom to register the plot of land solely in his name. A married woman becomes a co-owner because of regular and control of income, assertiveness, negotiation and at times compromise. In all these situations a new gender contract is created whereby she becomes a homeowner instead of a user. According to the gender system contract theory, women have always been in a subordinate position (the other) while men are always in a dominant position (the norm) (Hirdman 1991: 190). Damalie's life story has demonstrated that the homeownership gender contract can be reversed under special circumstances. Hence, the gender system can be shaken in situations where power relations and gender roles of women and men change. This usually happens when women become economically independent in a patriarchal society. This implies that if women want to become homeowners it is only them who can change the dominant gender contract. This however will require cultural, economic and political and institutional changes (Miraftab 2006:189; Narayan 2000: 175; Rowlands 1998:15; Brion and Tinker 1980).

Income, education and awareness of one's homeownership rights

Education has been identified as one of the ways in which women can utilize the existing opportunities and take advantage of the existing structures and legal frameworks to protect and exercise their rights. With education, women can bargain for resources within the household, have autonomy in decision-making and participate in society's public spheres (Birdsall et.al. 2005:29; Miraftab 1999:14; Kritz and Makinwa-Adebusoye, 1999: 413).

Damalie's life story demonstrates that income, education and awareness of one's right are prerequisites for a married woman to negotiate for home ownership. In cases where married women are ignorant of their ownership rights, they are most likely to end up with only user rights to the home even when they financially contribute to the home project. Lack of awareness is one of the things that deprive many married women of ownership. This is regardless of whether a woman is educated or not (Griffiths 1997:225). Findings in this paper demonstrate the importance of awareness for one's homeownership rights and what is happening in the community as one of the enabling factors for a married woman to assert her home ownership rights. It can be argued that to change the power struggles in the home, women must be aware of their ownership rights. Awareness can be through

personal interactions with other people in the community or through the media (Griffiths 1997: 225).

Conclusion

What has gender system and contract theoretical framework contributed to the understanding of gender dynamics in homeownership? The findings of this research suggest that homeownership is contextual and complex at interpersonal and cultural ideological levels. The analysis of the life stories shows that women are able to negotiate the dominant married women's home ownership contract in which married women are regarded as homemakers but not homeowners. As a result a new home ownership contract whereby women become homeowners is created. The factors that influence homeownership are multifaceted and full of contradictions. Although homeownership is influenced by social-cultural, economic and psychological factors, there are dynamics within these broad factors in the way they impact on married women. The gender system and contract lens has analysed the complex homeownership processes grounded in the experiences of the women themselves. This theoretical framework is useful in explaining the gender relations in a household setting as its main focus is actually on the relations between men and women in the household. In this respect, the theoretical point of departure for this study was that women are usually in the subordinate position in homeownership, that is, they are regarded as 'the other' while the men are regarded as the 'norm' as explained by Hirdman's gender system and contract theory.

The process that positions people within homeownership practices as 'men' and 'women' who are opposites rather than complementary was examined and found to be useful for shedding light on the experiences of married women, as well as on the notion of homeownership itself. For women to move out of the subordinate position and be regarded as complementary a number of things have to happen.

Studying women's homeownership dynamics from their own experiences is a new methodological approach. It is believed that the approach that takes women's experiences as empirical and theoretical resources for research about homeownership process is most appropriate. This paper has managed to investigate the specific processes regarding how gender inequalities in homeownership are produced and reproduced and sometimes challenged in social practices. Examination of these processes was useful in studying homeownership as a practical accomplishment. In this regard, the processes by which married women are deprived of homeownership hence

reproducing the dominant gender homeownership contract where husbands are the sole homeowners was examined and found to be useful in enlightening us on the ways in which married women are deprived of homeownership. In the same way, the processes by which married women become homeowners hence producing a new homeownership gender contract was also useful in shedding light on how new homeownership gender contracts are created an indication that the gender system is subject to change under particular circumstances.

Recommendations

The above stories demonstrate the difficulty married women in Uganda face to become co-owners of the matrimonial home. Studies on women's rights propose legal reforms in order to reduce the unequal gender relations in homeownership (Schlyter 2003). However other studies argue that legal reforms can only provide a framework within which women can assert their rights but will not per se guarantee women of homeownership (Munalula 1995: 211). The findings in this paper confirm that much as legal reforms are important, these have to go hand in hand with social changes at interpersonal and at cultural ideological levels. It must be noted that change in cultural beliefs, norms, values and practices is a slow process and difficult to implement even when provided for in the legal framework. Awareness raising among married women about their ownership rights could go a long way to minimise the unequal gender relations in homeownership. Similarly, training women in negotiation skills could also help women convince their husbands to include their name on the title deed. The Registration of Titles Act is gender sensitive and therefore married women have to find ways in which they can utilize this legal instrument to exercise ownership rights.

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